

**Enrolled Memorandum of the Meeting
Study Session/Meeting
Twenty-Ninth Town Council of Highland
Martin Luther King Day
Monday, January 20, 2020**

The Twenty-Ninth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, January 20, 2020** at 6:32 O'clock P.M., in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Mark Schocke, Thomas Black and Roger Sheeman were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Officials Present: John P. Reed, Town Attorney; and Peter T. Hojnicky Police Chief were present.

Additional Officials Present: Ed Dabrowski, IT Consultant (Contract); Larry Kondrat, Board of Waterworks Directors; and Liz Breslin, Community Events Commission, were present.

Guests: Robin Carlascio, Idea Factory; Robert Kuva and Patrick Krull, School Town of Highland Board of Trustees were also in attendance.

General Substance of Matters Discussed.

1. ***Discuss and work on establishing formally a program providing certain honorific banner displays on public light poles on Kennedy Avenue, Jewett Street and Highway Avenue.***

The Town Council discussed the development of a policy to manage the usage of the towns public light posts for Special event or special purpose banners. Residents were present representing the Highland Athletic Boosters and Highland Veterans who were interested in the development of the policy.

While no final answer was discerned from these guidance questions, all were discussed to allow the issues to consider in developing the policy in light of the increased interest in the use of these honorific displays.

Questions:

- Shall Highland provide a formal service of allowing and erecting honorific displays on its light poles equipped for banner display? (*I think this is yes but it is a basic step*) Is this tied to a legitimate public function? *Yes again, as it is tied to the definitions of Economic Development in IC 36-7-2 et seq., the general cultural powers outlined in CI 36-10 et seq., and Home Rule IC 36-1-3 et seq.*
- Who or what groups are permitted? (*Commercial, non-commercial*) *Keep in mind, the Redevelopment Department has already a program allowing commercial display consistent with the branding theme for the downtown; there is an informal program for non-commercial display for highland seniors*
- Will there be a requirement to apply? If so, how much lead time for the application to the desired date of display? Will it be each year or will some applications be allowed to be recurrent or standing applications?

- What will the duration of the authorized display be?
- Will there be an allocation of display types i.e. what percentage of the display points will be commercial and what shall be non-commercial? Will the allocation apply to each area or will it be area wide?
- To the extent that it is not barred by US Constitution, what purposes (not content per se) will be permitted as evidenced in the banner displayed?
- Will Town wide, sponsored events be reserved like all applicants or will there be a special priority or reservation for these? (*Independence Day and Christmas are special display days presently*)
- What department or departments shall be assigned the administrative responsibility for executing the eventual policy?
- Will there be any fees associated with applying or displaying other than the one established by the Redevelopment Commission for the commercial banners?

It was noted that there were existing banner locations on light posts on Highway Avenue, with the termini of Ridge Road and Fifth Street; Jewett Street with termini of Fifth Street and Kennedy Avenue.

The discussion included such policy elements of duration of display and whether there would be a formal application. It was further discussed that the policy would apply for uses that were commercial and non-commercial.

It was further noted that the Highland Athletic Boosters and the groups within its umbrella, expressed a preference for locating their banners on Highway Avenue and Jewett Avenue.

In a colloquy with Robert Kuva, with leave from the Town Council, the concept of allocating the different sports who seek banners under the broader rubric of the Highland Athletic Boosters. While not finally embraced, the idea of allowing the Boosters to manage the allocations among the sports, allowing the Booster Club to be the primary applicant for the banners, if applications were instituted.

The Town Council discussed the appropriate organizational construct for administering this service. It was noted that the Redevelopment Director had consented to be contact on a temporary basis to assist while the Town Council considered the matter further . It was also noted that the Public Works Department assumed the task of erecting the banners. It was further noted that the Clerk-Treasurer circulated a very crude draft for a policy and included samples from two communities. The discussion included whether a committee should be created to manage a policy. No consensus emerged regarding an approach except that banners from both non-commercial and commercial groups would be permitted and the current practice that was informally authorized in the previous year, would try to be preserved in some fashion.

It was noted that further discussion was needed to address this matter.

2. ***Discuss the remaining appointments to boards and commissions.*** The Town Clerk-Treasurer and the Town Council discussed the memorandum outlining the posts whose terms are expiring.

The discussion included a review of the entire memorandum, guided by the Town

Council President, clarifying those appointments to be made by the Town Council President and those to be made by the Town Council. The discussion included a review of candidates and incumbents on the Community Events Commission and the Plan Commission, which remained.

The discussion noted that there were additional applicants to consider. The Town Council President suggested that an Executive Session be convened at 6:00 p.m. immediately before the plenary meeting on January 27, 2020, in order to consider the appointment of public officials, and to develop a list regarding the balance of these appointments, perhaps to make an exclusion. The Town Clerk-Treasurer would prepare the proper notice.

3. ***Follow-up regarding the Provision in Compensation and Benefits Ordinance regarding Section 125 Plan.*** (Increased costs for Valued Added Card and related services Currently the service fees are paid by AFLAC and the fees have increased profoundly.) Choices: (1) fund publicly one year money card fees and announce that the flexible spending account will be discontinued next year? (2) fund publicly one year the money card fees and announce that the full Section 125 Plan will continue but plan money value cards will be eliminated. (3) Do not fund, for this year the money card, and state that the full Section 125 Plan will continue but plan money value cards will be eliminated.

The Town Council discussed the matter of the provision of a full flexible spending plan for its Section 125 Plan in light of the added costs of having a cash value card. It was noted that four employees out of the 130 workers eligible for this plan, use the flexible spending account. The town council suggested it would be open to considering an ordinance to amend the Compensation and Benefits Ordinance that would eliminate the flexible spending plan to be effective next year, February 1, 2021.

4. ***Request by the Public Works Director for an additional appropriation to repair damaged streetlights.*** By written memorandum, the Public Works Director reported that two publicly owned streetlights were damaged by motorists.

It was further noted that the public works staff attempted to get restitution from the responsible parties. In one case, the motorist was uninsured and in another the driver did not stay to assume responsibility. The damage was to a light at Kennedy Avenue, north of Main Street on the east side. The other damaged light is located on the 3700 block of Ridge Road on the south side.

The Public Works Director is seeking resources to be appropriated from the municipal cumulative capital development fund, in the amount of \$7,560 to support the cost of repairs.

The Town Council President allowed that the authorization to publish notice for legal hearing to consider a proposed additional appropriation could be placed on the agenda for the plenary meeting of January 27, 2020.

5. ***Hawk Traffic Light for Bike and Pedestrian Trail at Kennedy Avenue.*** With leave from the Town Council, Councilor Herak expressed his belief that the Town Council needed to discuss whether a Hawk Pedestrian Traffic signal, like the one currently operating at intersection of the bicycle and pedestrian trail at 45th Avenue for the intersection of the bicycle and pedestrian trail at Kennedy Avenue, near Jewett Street.

The Town Council President indicated that a future study session would include the discussion.

6. *Request from the Police Chief and the Assistant Police Chief to retire and be permitted to be re-employed as civilians in the same roles.* With leave from the Town Council, Councilor Herak discussed the desire of the Police Chief and the Assistant Police Chief to retire and be rehired as civilians in the same role, with agreements allowing for a three year employment term, to be approved by the Town Council that would preserve the longevity and other benefits as employees, spelled out that the group health plan each would take would be for spouse and employee, and would not have time toll nor be eligible for civil INPRS pension. This latter provision would provide savings.

It was noted that the Town Board of Metropolitan Police Commissioners has favored and recommended the plan, subject to the approval of the contracts needed to carry this out, by the Town Council.

The Police Chief presented his desire to make this move. It was noted that the Clerk-Treasurer and Councilor Herak met with the Chief and the Assistant Chief to discuss the cost to each for rejecting their entitled right to enroll in the Delayed Retirement Option Plan (DROP) that would allow lump sum of three times the annual amount of a police pension at the end of the three years. It was further noted that the information was considered in the decision and that he and the Assistant Police Chief still prefer the plan presented.

The Town Council President indicated that the agreements should be reviewed by the Town Attorney. Subject to his counsel, the matter could be placed on the agenda for the plenary meeting on Monday, January 27, 2020.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, January 20, 2020**, was adjourned at 7:22 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer